

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M No.6878 of 2023
Date of Decision: 04.07.2023**

Tajum

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Punit Malik, Advocate,
for the petitioner.

Mr. Apoorv Garg, Senior DAG, Haryana.

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MEENAKSHI I. MEHTA, J.(ORAL)

The petitioner herein has sought the relief of regular bail in the criminal case arisen out of the FIR bearing No.155 dated 08.05.2022 registered at Police Station DLF Phase-III, Gurugram, under Sections 376, 342 & 506 IPC.

2. Shorn and short of unnecessary details, the allegations levelled by the prosecutrix against the petitioner in the subject FIR, are that he (petitioner) was the friend of her fiancé named Rajashri Sen Gupta and he had entered her room and had raped her and had also threatened to kill her.

3. Learned State counsel has submitted the custody-certificate of the petitioner and the '*pairvi report*' and also the copies of the FSL report and the statement of the prosecutrix as recorded under Section 164 Cr.P.C, in the Court today and these documents have been placed on the file.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also gone through the file carefully.

5. Learned counsel for the petitioner contends that the entire version regarding the alleged crime, as set-forth by the prosecutrix in the FIR, is highly improbable and doubtful and rather, the petitioner has been got falsely implicated in the case and in these circumstances, he (petitioner) deserves the relief as prayed for in this petition.

6. Per-contra, learned State counsel argues that as per the FSL report, DNA sample of the petitioner matched with that of the prosecutrix and keeping in view the nature of the offence committed by the petitioner, the instant petition be dismissed.

7. The truthfulness and veracity of the allegations, as levelled by the prosecutrix against the petitioner in the said FIR, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be ascertained or determined while deciding the present bail petition.

8. Moreover, as per the copy of the FSL report, the DNA profiles of the prosecutrix matched with those of the petitioner. Even otherwise, it has categorically been mentioned in the '*pairvi report*' that out of total 13 witnesses as cited by the prosecution, 09 witnesses have already been examined before the trial Court, meaning thereby that the trial proceedings in the case under reference, are nearing their conclusion.

9. Keeping in view the afore-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of regular bail. Resultantly, the petition in hand stands dismissed accordingly.

04th July, 2023
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>

